

FILED

October 21, 2004

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

**IN THE MATTER OF THE SUSPENSION OR :
REVOCATION OF THE REGISTRATION OF : Administrative Action**

LOIS WEIERSTALL

**FINAL ORDER
OF DISCIPLINE**

**TO PRACTICE ATHLETIC TRAINING
IN THE STATE OF NEW JERSEY**

This matter was opened to the New Jersey State Board of Medical Examiners (Board) upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made;

FINDINGS OF FACT

1. Respondent, Lois Weierstall, is an athletic trainer registered in the State of New Jersey. In her capacity as a licensee, respondent was the athletic trainer for the high school soccer team and the victim was a member of the soccer team.

2. On November 20, 2000, respondent was indicted in Superior Court of New Jersey, Bergen County, on four Counts of alleged sexual contact and four Counts of sexual assault upon J.M., a minor, whom respondent had supervisory or disciplinary power over, contrary to the provisions of N.J.S.A. 2C:14-2c(3) and 2C:14-3b. In her capacity as a licensee, respondent was the

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athletic trainer for the high school soccer team and the victim was a member of the soccer team. Respondent committed sexual assault on the victim after the victim finished her athletic career as a soccer player but was still a high school student.

3. Respondent voluntarily surrendered her registration to practice athletic training pursuant to an Interim Order of Surrender, filed on June 18, 2001, until the Board's review of the resolution of the criminal charges filed against respondent were resolved.

4. On or about September 27, 2002, respondent pled guilty to Count Three, second degree crime (for sentencing purposes third degree crime), of the Indictment in violation of N.J.S.A. 2C:14-2c(3). Count Three states that respondent did commit sexual assault upon the victim with a birth date of 8/23/84, by performing an act of sexual penetration, to wit: digital penetration upon the victim, the victim being at least sixteen but less than eighteen years of age and the actor having supervisory or disciplinary power over the victim.

5. Respondent was sentenced to four (4) years of custody to the Department of Corrections and community supervision for life. Respondent was incarcerated at the Edna Mahon Correctional Facility in Clinton, New Jersey and was placed on parole on July 29, 2004.

CONCLUSIONS OF LAW

1. The above guilty plea in New Jersey provides grounds to take disciplinary action against respondent's registration to practice athletic training in New Jersey since respondent pled guilty to a crime involving moral turpitude or relating adversely to the activity regulated by the Board N.J.S.A. 45:1-21(f).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline revoking respondent's license to practice as an athletic trainer in the State of New Jersey was entered on May 27, 2004 and a copy served on respondent. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent responded by requesting a modification to the Findings of Fact set forth in paragraphs 2 and 5 of the Provisional Order. Respondent asserted that as written in the Provisional Order, paragraph 2 implies that the improper sexual contact between respondent and the victim began while the victim was a member of the high school soccer team. Respondent requests modification to

any **school team**. Respondent stated that she **did** not have **improper** contact **with** the victim while she **was** a **participant** in any athletic **contests**. Furthermore, **respondent seeks modification** to paragraph 5 of the Provisional Order **since it incorrectly states** that **respondent** is currently **incarcerated at the** Edna Mahon Correctional Facility for Women and she will **not** be **eligible** for **parole** until **January 25, 2005**. In fact, respondent informed the Board that she **was placed on parole** on July 29, 2004.

Respondent's submissions **were reviewed** by the Board, and the Board determined that **further proceedings were not necessary** and that **no material discrepancies had been raised**. The Board **did**, however, determine **to incorporate** the requested modifications to **paragraphs 2 and 5** into the Findings of **Fact** in the Final Order of Discipline.

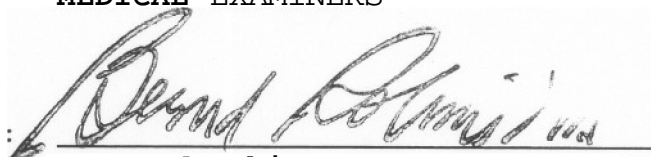
ACCORDINGLY, IT **IS** on this **21st** day of **Oct** 2004,

ORDERED that:

1. **Respondent's** registration **to practice athletic** training in New Jersey is **hereby revoked**.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

By:



Bernard Robins, M.D., F.A.C.P.
Board President